

Date: February 7, 2013

To: Planning Commission

From: Clifford Nguyen, Associate Planner

Via: Kristie Wheeler, Planning Manager

RE: Residential Condominium Conversion Cap and Unit Allocation Tracking

The purpose of this memo is to inform the Planning Commission of the current status of used and unused residential condominium conversion unit allocations pursuant to the Zoning Ordinance. This information is also made available to the public on the City's website and at the Development Services Center. No action is required by the Planning Commission at this time.

Background: Pursuant to Fremont Municipal Code (FMC) Section 18.190.060, the Residential Condominium Conversion Ordinance ("Ordinance") provides a standard 100 unit conversion allocation, or cap, per calendar year ("CY"). The intent of the standard is to ensure the availability of rental apartment stock by balancing rental and ownership housing within the City. Pursuant to the Ordinance, the Planning Commission is authorized to grant limited discretionary increases above the 100 unit allocation for any particular CY if certain specified conditions are met. Discretionary increases include: 1) potential roll-overs of any unused unit allocations from an immediate prior CY if the apartment vacancy rate is greater than five percent; or 2) borrowing up to 20 units in allocations from future years. To implement this measure, the Planning Division is charged with tracking such allocations to report to the Planning Commission and public.

Residential condominium conversion applications are only accepted for processing from March 1 to March 15 of each CY. A summary on the number of applications received in the past five year follows; a more detailed list is provided in the attachment.

Calendar Year	Applications
2008	0
2009	2
2010	0
2011	1 ¹
2012	1

In CY 2012, one condominium conversion application, the Camden Village Apartment Conversion (CVAC), was filed during the allowable acceptance period. The 100 unit allocation in CY 2012 was allocated to CVAC. In addition, the Planning Commission allocated units from five consecutive future years to allow the CVAC

¹ The 192-unit Camden Village Apartment Conversion was submitted but deemed incomplete and, therefore, was not eligible for the CY 2011 allocation. In addition, the vacancy rate for the last quarter of CY2011 was not greater than five percent which disallowed a roll-over of the 100 units of unused allocations in CY2011 to be carried over to CY2012.

applicant to complete the conversion in a single phase. The first 100 units were allocated under CY 2012 and the remaining 92 units were allocated by borrowing 20 units each from future CYs 2013 through 2016 and an additional 12 units from CY 2017. Accordingly, the allocation conversion cap for CYs 2013-2016 would be reduced to 80 units per calendar year and 88 units for CY 2017. There is no roll-over allocation to CY 2013 because the 100-unit allocation of CY2012 was used by the Commission's approval of the CVAC project.

Attachment: Annual Conversion Cap and Unit Allocation Tracking (updated February 2013)

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